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TREATY OF PEACE WITH GERMANY

SPEECH

OF

HON. SELDEN P. SPENCER

OF MISSOURI

IN THE

SENATE OF THE UNITED STATES

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HON. SELDEN P. SPENCER.

TREATY OF PEACE WITH GERMANY.

Mr. SPENCER. Mr. President, the President, speaking last week in the State of Missouri, presented to the people of the State, in regard to the league of nations, an issue which does not exist.

The issue before the American people in connection with the treaty of peace and the covenant of the league of nations is not, as the President indicates, a choice between acceptance or rejection of the treaty. We are not necessarily called upon to choose between acceptance of the treaty precisely as it is written or, failing thus to accept it, to face absolute rejection of the entire negotiations. I am frank to say for myself if I were forced to make that choice I should vote against the treaty as it now stands.

I have no sympathy with proposed changes, under whatever name they may be called, which are offered mainly in the desire and with the intention to kill the treaty or to so complicate the situation as to destroy or endanger its ratification. There are too many commendable provisions in the covenant of the league of nations that deserve a confident trial and too many treaty provisions that are essential to the interests of this Government to have the treaty itself killed; but I have every sympathy with and a clear conviction in favor of such reservations as will safeguard the essential rights of our country, and such reservations are far more important alike for the interests of the United States and for the welfare of the world than an imperfect, American-jeopardizing league of nations can ever be.

Quite apart from our own national standpoint, it is essential for the peace of the world that the United States should continue to be as it was when we entered the war, the great independent stabilizing power of the world. In any future event of world danger we will be of far greater service if we stand ready to strike quickly, if force be necessary, and with invincible power, as our conscience and judgment shall at the time incline us, unfettered by entanglements and alliances that may throw a mist around our wisdom and make difficult the path of honor and duty.

The real issue before the American people is as to whether they prefer to take the treaty precisely as it is written or to have such reservations ingrafted into it as will absolutely safeguard our American rights, constitutional, domestic, and traditional, and fully protect our independence of action as a Nation in the future. It is not unfair to state, in the light of known facts, that the treaty of peace which we are now considering

is peculiarly—and it seems to me unfortunately, so far as the United States is concerned—a one-man document. Always heretofore in the negotiations with other nations it has been usual first for our ambassadors or our commissioners to arrive as best they could at an agreement with the other nations concerning the subject of the treaty; and when, after the exercise of their best judgment, they have finally arrived at an agreement, it has then been forwarded to the President, who, in conference with the State Department, has given to it the weight of their joint consideration and judgment, with the view to correct and to perfect; and it is only when the treaty has thus been subjected, so far as the interests of this Government are concerned, to the consideration of at least two partially separate and independent agencies, that it finally comes to the Senate under the provision of the Constitution for the advice and consent of the Senate.

Manifestly, such a course has been of the utmost advantage in protecting the interests of this country. It does not necessarily follow, because a treaty has been deprived of this triple consideration and has been the result of the judgment and will of a single man, that it ought to be rejected, but it certainly is true that there can be no just complaint if such a one-man treaty is subjected to the most careful examination and consideration, and particularly when, as in the present instance, it is a treaty that concerns the interests of this country and the welfare of the world more greatly than any document ever before penned by the hand of man. The representative of every other great nation at the peace table had back of him both legislative sanction and legislative cooperation. The President of the United States alone of those with whom he was associated acted without either such sanction or conference. It was a position of autocratic power, which is as rare as it is unfortunate in a Republic. In the one case of which we have accurate knowledge, of the four gentlemen whom the President had associated with him as commissioners to represent the United States, at least three were clear and positive in the expression of their judgment that the provision of the treaty with regard to the Shantung Peninsula was a violation of our own American polity, an injustice to China, and an unnecessary yielding to the unfair demands of Japan; and yet the fact that his joint commissioners so determined and so advised did not change by a hair's breadth the action of the United States in regard to Shantung. It was written precisely as the will and judgment of the President finally consented that it should be written, and entirely irrespective of the wishes or judgment or conscience of his associates.

When, as the President solemnly declares, the secret treaty between England and France and Italy and Japan was first called to his attention at Paris, I am sure it is inconceivable to many upon the floor of this Chamber, as it is to me, why, as an American—and particularly as an American who had announced in lofty phraseology which has never been excelled, and rarely equaled, the great principles that should control his action and his opposition to secret treaties between great powers affecting the rights of unconsenting people—I say, it is inconceivable why, as an American, he should not instantly have said to the representatives of England and France and

Italy and Japan who were seated with him at the table something in substance like this:

"Gentlemen, I learn for the first time of the secret treaty which you have made between yourselves. I do not impugn the motive or the necessity which may have been the cause of its original creation, but as we now come together to consider the welfare of the world, and to consider it alone upon the principles of honor and of justice, I say to you in the name of the United States that before we enter upon this conference that secret treaty, by the consent of every one of you who formed it, must now be laid upon the table and canceled, in order that we may proceed, unfettered by secrecy, to do now what is right in the matter. I will not enter into a conference with my hands tied by a secret arrangement concerning which I had no information whatsoever."

No one who realizes the commanding importance of the position of the United States at that conference can have the slightest doubt that a demand of the kind indicated would have been instantly complied with, and we should have at least been saved the humiliating disgrace of having our representatives voluntarily enter into an arrangement which they themselves are unable to defend and which the Nation looks upon with shame. There are lawyers in this body, and it is inconceivable to a lawyer that he, together with four colleagues, should sit upon a bench and undertake the determination of a question, when he knew that three of those four colleagues had already prejudged the very case upon which he was then called to decide. China, as the litigant, comes before the "big five." There is England, and Italy, and France, and Japan, and the United States, and before that tribunal China pleads her cause, when three of that court had already, by a secret treaty with a fourth member of that court, absolutely predetermined the question which China was then presenting.

I say, with all the conviction in my power, that the treaty of peace as it is now written will never be ratified by the Senate of the United States, and that before it ever receives the sanction of the representatives of the people here assembled, reservations similar in effect to those which the Committee on Foreign Relations have already reported must be inseparably interwoven with the ratification itself. Language and detail of reservations may be changed, but the purpose and the object of every one of those four reservations are essential to the future greatness and stability of this country.

Concerning the inherent merit of the reservations themselves there can be no difference of opinion. Every one of them announces an American doctrine which is essential to the preservation of the Republic. The principles which they enunciate are principles about which, as Americans, we are all agreed. The only answer that has been made or that can be made to them is either that they are unnecessary, because the rights which they seek to protect are already safeguarded in the treaty itself, or because to ingraft them into the ratification would create complications with other nations more disastrous than the advantage of the reservations could possibly be. The answer to the first proposition is simple and complete. If there is no objection to the inherent merit of the principles announced

by the reservations, then, at the most, they can be nothing more than mere surplusage, amplifying or elucidating that which is already provided in the treaty itself; but there are multitudes of people who believe, as I believe, and as I expect by a single illustration to demonstrate in a moment to the Senate, that the principles safeguarded by these reservations are not protected in the treaty as it is now written, that the essential rights of our country are in real, not imagined, jeopardy, by the existing provisions of the league of nations, and that not alone because of that candor and fairness which is due to other nations, but in order to insure confidence and understanding at home, it is essential that our established rights be indicated in language that can not be misunderstood.

The answer to the second defense is precisely the same, for if, as I believe and assert, our right of withdrawal and the safeguarding of the Monroe doctrine and the protection of our domestic and internal affairs and our position before the world that no other nation or combination of nations can ever be allowed to dictate when or where an American soldier or sailor shall be sent, are jeopardized by the treaty as it is now written, then whatever may be the complications that may result from insisting upon such vital rights, such complications fade into insignificance in comparison with our essential duty to safeguard our own country. I can not see any delay or complication that ought to follow from American safeguarding reservations. If, as the President declares, the principles of these reservations are already written into the treaty as it now stands and are accepted by every other nation, certainly there can be neither delay nor complication in any consent either by express approval or by acquiescence in reservations which express in clearer terms that to which the nations have already consented.

I said by a single illustration I intended to establish that some of the fundamental rights of this country are in jeopardy. Here is my illustration: It seems as if those who wrote article 10 of the league of nations had in mind, and wisely had in mind, the prevention of external aggression upon the territorial integrity of any other nation, because such external aggression breeded war, and war was the thing which the league of nations wanted to make impossible. They failed, however, to recognize that there may be external aggression upon the territorial integrity of another nation which is absolutely essential to the integrity of the invading government, and in no case is that more clear than with the United States.

If we had a map of the United States upon the wall, we could refresh our memory by looking at the State of California. At the south of the State of California there extends southward generally that long peninsula which is called Lower California. It has little agricultural value. The cost of irrigation that would make it agriculturally available is prohibitive. But it has upon its western border the Bay of Magdalena, the most wonderful assembling ground for a navy upon the whole Pacific coast, except perhaps the port of San Francisco, and it has great fields that lend themselves to the mobilization of an army.

Lower California belongs to Mexico. Mexico has long wanted to sell. The distinguished Senator from Arizona [Mr. ASHURST]

has upon more than one occasion advocated the acquisition of Lower California upon the part of this Government by purchase. Mexico has been seeking a purchaser. Japan has wanted to buy. I do not know, nor does any other Senator upon the floor of the Senate know, that Japan has not already bought Lower California. When there is an article in commerce and he who has it is keen to sell and is met by some one eager to buy and unmindful of the price, the consummated sale is apt to follow. If Japan has bought it, or if Japan should buy it, it immediately has become or would become the territorial integrity of Japan. They have as much right to buy Lower California as we had to buy the Virgin Islands from Denmark not long ago. If that sale has been completed, or should be completed in the future, what stands in the way of the transaction? Nothing in the world except the announcement and the enforcement of our own Monroe doctrine. If we could imagine the Japanese ambassador sitting upon one side of the table and the Mexican ambassador sitting upon the other side of the table negotiating about Lower California, and could witness the conclusion when the Japanese ambassador said, "There is your money," and the Mexican ambassador said, "There is your deed," the transaction would be complete. If either one of them had lifted his eyes ever so little, he would have seen the strong arm of the manhood of the United States declaring to the ambassador of Japan, "You dare not buy," and to the ambassador of Mexico, "You dare not sell property that shall come under the domination of Japan and that lies upon the threshold of the American Republic."

Yet, with that sale consummated, or to be consummated, and with Lower California a part of the territorial integrity of Japan, there is not a man in the Senate who does not know that the news of that transaction would not be 24 hours old before an American Army would be marching to Lower California, and the Japanese outposts upon the point at Magdalena Bay would see the smoke of American men-of-war advancing to drive out the Japanese fleet from its assembly grounds. When the American troops came on their way, and the American fleet proceeded toward the bay, under this treaty what would Japan do? She would say to England and to France and to Italy, the nations whose sons have mingled their blood with the blood of our own, "Come; the United States by external aggression, is invading my territorial integrity, and I demand of France and England and Belgium and Italy that you rally around me and fight with me to offset the American Army that I see advancing and the American Navy that is steaming toward my vessels." If France and England and Italy and Belgium kept their word as it is written in this treaty, they would be bound to come to the assistance of Japan as against the United States.

If you say that the language of the treaty is that a regional understanding, whatever a regional understanding may be, like the Monroe doctrine, protects that territory against acquisition by purchase, as I have illustrated, you have made a proposition which fails upon the contemplation of it, for the Monroe doctrine is neither international nor regional. It is an American self-protecting doctrine which had its origin in this country

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alone, and whch must have its enforcement alone from this Nation.

Before the treaty of peace, including the league of nations, with provisions such as I have indicated, can ever meet with the sanction of America, there must be written into it, not by interpretation, but by inseparable reservations which shall be interwoven into the language of the ratification itself, that nothing in it shall ever lessen or destroy the Monroe doctrine of the United States. [Applause in the galleries.]

The PRESIDING OFFICER. The Chair will have to admonish the occupants of the galleries that by the rules of the Senate applause is not tolerated.

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